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April 9, 2010

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte Notice*; WC Docket Nos. 09-222; 05-25; and 10-14; RM-10593;
GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

Pursuant to Commission rules, COMPTEL hereby gives notice that, on April 8, 2010, Jerry James, Mary Albert and the undersigned from COMPTEL met with Paul De Sa of the Office of Strategic Planning and Policy Analysis and Sharon Gillett, Ian Dillner, and Nicholas Alexander of the Wireline Competition Bureau.

In the meeting, COMPTEL discussed the practice of some of the biggest ILECs in resisting interconnection with competitors on an IP-to-IP basis (forcing them to convert all IP traffic to TDM before delivering it to the ILEC) as required by Section 251 of the Communications Act;¹ the RBOCs' failure to post their Section 271 offerings (specifically the details on prices, terms and conditions for service for each state in which they have been granted Section 271 relief);² the need for the Commission to expeditiously grant the Maine PUC Petition for Declaratory Ruling that dark fiber and line sharing must be made available to competitors pursuant to Section 271;³ and pointed out the inconsistency between AT&T's claims that "ILEC [special access] prices have consistently *fallen*, quite dramatically, in Phase II pricing flexibility areas since ILECs first began to qualify for such flexibility"⁴ with AT&T's access service tariffs (filed in 2007) which reinstate, effective July 1, 2010, the *higher* rates they previously charged

¹ See Comments of Cbeyond *et al*, GN Docket Nos. 09-47, 09-51, and 09-137 (filed Dec. 22, 2009) and *Ex Parte* of COMPTEL, GN Docket No. 09-51 (dated Jan. 25, 2010).

² See Petition of 360networks (USA) inc. *et al*, WC Docket No. 09-222 (filed Nov. 9, 2009).

³ Maine Public Utilities Commission Petition for a Declaratory Ruling, WC Docket No. 10-14 (filed Nov. 25, 2009).

⁴ Comments of AT&T, WC Docket No. 05-25, p. 25 (filed Jan. 19, 2010).

under Phase II pricing flexibility prior to their compliance with merger condition 6 for special access services (which required AT&T to reduce their rates to price cap levels).

During the meeting COMPTel also referenced and subsequently provided Paul De Sa with two ETI studies filed with the Commission.⁵

Sincerely,
/s/ Karen Reidy

cc: Sharon Gillett
Paul De Sa
Ian Dillner
Nicholas Alexander

⁵ Comments of Ad Hoc Telecommunications Users Committee, CC Docket No. 05-25, Appendix 1 “Special Access Overpricing and the US Economy How Unchecked RBOC Market Power is Costing US Jobs and Impairing US Competitiveness” (filed Aug. 8, 2007); Ex Parte of Public Knowledge *et al*, GN Docket No. 09-51, WC Docket Nos. 05-25, 06-172, 07-97, 09-135, 09-222, and 09-223, “Regulation, Investment and Jobs How Regulation of Wholesale Markets Can Stimulate Private Sector Broadband Investment and Create Jobs” (dated Feb. 12, 2010).